

STATE OF ILLINOIS
SECRETARY OF STATE
SECURITIES DEPARTMENT

IN THE MATTER OF: RICHARD LEE VAN DYKE)	
DBA DICK VAN DYKE REGISTERED)	
INVESTMENT ADVISER)	File No. 1100244

Amended Notice of Hearing

TO THE RESPONDENTS: Richard Lee Van Dyke
DBA Dick Van Dyke Registered Investment
Adviser
c/o Michael D. Morehead
Hinshaw & Culbertson
400 S. Ninth St., Suite 200
Springfield, IL 62701

You are hereby notified that the Notice of Hearing issued against you on March 7, 2013 is amended by adding the following Count:

Count II

- 1-10. Paragraphs 1-10 of the Notice of Hearing are re-alleged and incorporated by reference as Paragraphs 1-10 of this Count II.
11. That on at least twelve (12) occasions from 2007 through 2010, the Respondents recorded and retained telephone conversations with their clients and the employees of companies with whom Respondents were conducting securities-related business.
12. That, contemporaneously, on at least two occasions Respondents recorded the personal and seemingly private conversations of Respondents' clients.
13. That on at least one occasion, subsequent to the telephone call concluding, the Respondents continued to record a consultation with Respondents' clients about the clients' investment strategy and schedule.

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14. That in regard to three conversations, Respondents acted deceptively by not notifying all of the telephone call participants of the recordings until well over a minute into the conversations.
15. That in regard to four conversations, Respondents acted deceptively by at no time notifying all of the telephone call participants of the recording.
16. That Article 14 of the Illinois Criminal Code of 2012, [720 ILCS 5/1 et seq.] provides, inter alia, that a person commits eavesdropping upon recording all or part of any conversation without the consent of all of the parties to such conversation and further provides civil remedies which are available to injured parties.
17. That Section 12.J of the Act provides, inter alia, that it shall be a violation of the Act for any person when acting as an investment adviser, investment adviser representative, or federal covered investment adviser, by any means or instrumentality, directly or indirectly:
 - 1) To employ any device, scheme or artifice to defraud any client or prospective client;
 - 2) To engage in any transaction, practice, or course of business which operates a fraud or deceit upon any client or prospective client; or
 - 3) To engage in any act, practice, or course of business which is fraudulent, deceptive or manipulative.
18. That by virtue of the foregoing, the Respondents have violated sections 12.J of the Act.
19. That Section 8.E.1 (b) provides, inter alia, that the registration of an investment adviser or investment adviser representative may be suspended or revoked if the Secretary of State finds that the investment adviser or investment adviser representative has engaged in any unethical practice in connection with any security, the offer or sale of securities or any fraudulent business practice.
20. That Section 8.E.1 (g) provides, inter alia, that the registration of an investment adviser or investment adviser representative may be suspended or revoked if

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the Secretary of State finds that the investment adviser or investment adviser representative has violated any provisions of the Act.

21. That Section 8.E.1 (m) provides, inter alia, that the registration of an investment adviser or investment adviser representative may be suspended or revoked if the Secretary of State finds that the investment adviser or investment adviser representative has conducted a continuing course of dealing of such nature as to demonstrate an inability to properly conduct the business of the investment adviser or investment adviser representative.
22. That by virtue of the foregoing, the Respondents' registrations are subject to suspensions or revocations pursuant to Section 8.E.1(b), (g) and (m) of the Act.
23. That Section 8.E.3 provides, inter alia, that the Secretary of State may institute a revocation or suspension proceeding within 2 years after withdrawal became effective and enter a revocation or suspension order as of the last date on which registration was effective.
24. That Section 11.E(2) of the Act provides, inter alia, that if the Secretary of State shall find that any person has violated subsection J of Section 12 of the Act, the Secretary of State may by written order prohibit the person from offering or selling any securities in this State.
25. That Section 11.E(4) of the Act provides, inter alia, that if the Secretary of State, after finding that any provision of the Act has been violated, may impose an order of censure or a fine as provided by rule, regulation or order not to exceed \$10,000.00 for each violation of the Act.
26. That by virtue of the foregoing, the Respondents are subject to a fine of up to \$10,000.00 per violation, an order of censure an order which permanently prohibits the Respondents from offering or selling securities in the State of Illinois and an order that suspends or revokes their investment adviser and/or investment adviser representative registrations in the State of Illinois.

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You are further notified that you are required pursuant to Section 130.1104 of the Rules and Regulations (14 Ill. Adm. Code 130) (the "Rules"), to file an answer to the allegations outlined above within ten days from the date of the Amended Notice of Hearing. Your failure to do so within the prescribed time shall be deemed an admission of the allegations contained in the Notice of Hearing and Amended Notice of Hearing and waives your right to a hearing.

Furthermore, you may be represented by legal counsel; may present evidence; may cross-examine witnesses and otherwise participate. A failure to so appear shall constitute default.

Delivery of notice to the designated representative of any Respondent constitutes service upon such Respondents.

Dated this 13th day of June, 2013.



Jesse White
Jesse White
Secretary of State
State of Illinois

Attorneys for the Secretary of State:

David Finnigan
Illinois Securities Department
300 W. Jefferson St. Suite 300A
Springfield, Illinois 62702
Telephone: (217) 785-4947

Shannon Bond
Illinois Securities Department
300 W. Jefferson St. Suite 300A
Springfield, Illinois 62702
Telephone: (217) 524-0648

Hearing Officer:

Jon K. Ellis
1035 S. 2nd St.
Springfield, Illinois 62704
217-528-6835
Fax 217-528-6837